

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

14-MD-2543 (JMF)

IN RE:

GENERAL MOTORS LLC IGNITION SWITCH  
LITIGATION

*This Document Relates to All Actions*

**APPLICATION OF MICHAEL  
F. RAM AND RAM, OLSON,  
CEREGHINO &  
KOPCZYNSKI FOR  
APPOINTMENT TO  
EXECUTIVE COMMITTEE**

**[ORAL ARGUMENT  
REQUESTED]**

Pursuant to section II of the Court's July 18, 2014 Order No. 5, Michael F. Ram of Ram, Olson, Cereghino & Kopczynski respectfully submits this application for appointment to the Plaintiffs' Executive Committee and requests an opportunity to appear at the Initial Conference. Mr. Ram is one of the counsel for Plaintiff in *Richard Stafford v. General Motors LLC*, No. 4:14-cv-01702, transferred to this Court from the Northern District of California.

**I. Introduction**

Mr. Ram is a consumer class action lawyer with over three decades of experience in complex trial and appellate litigation. For over 20 years he has successfully prosecuted automobile safety class actions against GM, Ford, Chrysler, Honda, Toyota, and Nissan. A 1982 *cum laude* graduate of Harvard Law School and a Trial Lawyers for Public Justice Trial Lawyer of the Year, Mr. Ram has dedicated his career to consumer class actions with an emphasis on car cases. He has tried many class actions to verdict or judgment. Several of the cases he has worked on have approached or exceeded a billion dollars in settlement benefits.

Mr. Ram possesses the breadth of experience and technical expertise required to help litigate these actions effectively. For example, his current cases include *Sachs v. Toyota* (Los Angeles Sup. Court No. BC 443701) (defective "Smart Key" ignition switches that pose a safety risk); *Fox v. Nissan* (San Francisco Sup. Court No. CGC-09-490470) (power valve screws that can cause engine failure); and *Banks v Nissan* (No. 4:11-cv-02022 N.D. Cal.), a defective brakes case in which he successfully briefed and argued the motion to dismiss, 2012 WL 8969415, and successfully briefed and argued class certification, 2013 WL 6700299. The Ninth Circuit

recently denied review of the *Banks* certification pursuant to one of Mr. Ram's earlier cases, *Chamberlan v. Ford*, 402 F.3d 952 (9th Cir. 2005), which is the controlling Ninth Circuit precedent regarding appellate review of class certification.

## **II. Knowledge of Applicable Law and Experience in Prosecuting Motor Vehicle Class Actions**

Mr. Ram has served as co-lead counsel on numerous successful safety class actions against major auto manufacturers, including:

- *Chamberlan v. Ford Motor Company*. 223 F.R.D. 524 (N.D. Cal. 2004) (class certification); 402 F.3d 952 (9<sup>th</sup> Cir. 2005) (denying review of certification) and 369 F.Supp.2d 1138 (N.D. Cal. 2005) (summary judgment), a defective manifolds case that settled one court day before trial.
- *Banks v. Nissan North America* (No. 4:11-cv-02022 N.D. Cal ), an ongoing class action involving defective brakes.
- *Falk v. Gen. Motors Corp.*, MDL No. 1896, 496 F. Supp. 2d 1088 (N.D. Cal 2007) a frequently cited safety class action involving defective speedometers in which Mr. Ram successfully argued the motion to dismiss.
- *Amico v. General Motors Corp.* (Maricopa County Ariz. Sup. Ct. No. 2004-092816), a class action involving defective intake manifold gaskets. Mr. Ram successfully briefed and argued class certification.
- *Hanlon v. Chrysler Corp.*, 150 F.3d 1011 (9th Cir. 1998), a frequently cited class action concerning defective rear-gate latches. As a Lieff Cabraser partner, Mr. Ram was the point person on this case for Elizabeth Cabraser.
- *Milligan v. Toyota Motor Sales* No. C09-05418 (N.D. Cal.), a class action concerning defective automatic transmissions in Toyota Rav4s.
- *Sachs v. Toyota Motor Corporation* Los Angeles Sup. Court No. BC443701, an ongoing class action concerning the risks of rollaway, theft, and carbon monoxide poisoning posed by defective “Smart Key” ignition switches.

- *In re Honda Acura Cases*, Cal. JCCP No. 3014 (San Diego Sup. Court), a class action concerning Acura NSX tires.
- *Evarkiou et al v. Ford Motor Company* (N.D. Cal. No. 93-00844), a class action concerning power steering hoses.
- *Soto v. American Honda Motor Co.* 946 F.Supp.2d 949 (N.D. Cal. 2012), a class action concerning defective engine combustion chambers. Mr. Ram helped brief the successful opposition to the motion to compel arbitration.

Mr. Ram frequently presents at class action conferences and co-authored "New Class Certification Developments in Non-Personal Injury Product Defects/Consumer Protection Cases: Nationwide vs. Statewide Classes and the Role of Choice of Law" with Elizabeth J. Cabraser for the ABA's Ninth Annual National Institute on Class Actions.

### **III. MDL Experience and Capacity to Work Cooperatively**

Mr. Ram has prosecuted automobile class actions since early 1993 when he assisted Elizabeth Cabraser in *In re Gen. Motors Corp. Pick-Up Truck Fuel Tank Products Liab. Litig.*, MDL No. 961 (E.D. Pa.). Since then, in numerous consumer class actions over the past 21 years, he has worked cooperatively with co-counsel through all stages of litigation: research; drafting consolidated complaints; formulating strategy; reviewing documents; working with class representatives; taking and defending depositions; working with experts; briefing motions to dismiss, summary judgment and class certification; trial; appeals; and settlement.

Mr. Ram's ability to collaborate in class actions is also evident from the numerous class actions he has successfully co-prosecuted with other firms, including:

- *Shurtleff v. Health Net of California, Inc.* (Sacramento Sup. Court, No. 34-2012-00121600), a medical information privacy breach class action.
- *Ward v. IPEX* MDL No. 2098 (N.D. Texas), an MDL concerning defective plumbing pipe fittings in which Mr. Ram was co-lead counsel.
- *Lowell v. American Cyanamid Company*, 177 F.3d 1128 (11<sup>th</sup> Cir. 1999) an antitrust class in which Mr. Ram obtained an 11th Circuit reversal of a dismissal.

- *Richison v. American Cemwood Corp.*, San Joaquin Sup. Court No. 005532. Mr. Ram served as co-counsel for a multistate class of tens of thousands of owners of homes with defective Cemwood Shakes.
- *Williams v. Weyerhaeuser*, San Francisco Sup. Court No. 995787 (1999). Mr. Ram served as co-counsel on behalf of a nationwide class of hundreds of thousands of owners of homes with defective Weyerhaeuser hardboard siding.
- *Naef v. Masonite*, Mobile County, Alabama Circuit Court No. CV-94-4033. Mr. Ram served as co-counsel on behalf of a nationwide class of homeowners with defective hardboard siding on their homes. Settlement payments exceeded a billion dollars.
- *Keilholtz v. Superior Fireplace Co.*, No. 08-cv-00836 (N.D. Cal. 2008) and *Rotandi v. Miles Industries, Ltd.*, No. 11-cv-02146 (N.D. Cal. 2013). Mr. Ram served as co-lead counsel in two class actions representing over half a million owners of allegedly defective glass pane glass fireplaces. Mr. Ram successfully briefed and argued class certification in *Keilholtz* (268 F.R.D. 330 (N.D. Cal. 2010) and settlement approval in *Miles*. Due in large part to this litigation, the industry recently adopted a safety standard that protects toddlers from serious burns.
- *McAdams v. Monier, Inc.*, 182 Cal. App. 4th 174 (2010) (reversing denial of class certification in roof tile class action). Mr. Ram is lead counsel. After winning class certification on appeal, Mr. Ram co-tried the case to verdict.
- *Gardner v. Stimson Lumber Co.* King County Wash. No. 2-17633, a nationwide consumer class action involving defective siding.
- *In re Louisiana-Pacific Inner Seal Siding Products Liability Litigation* No. 95-879-JE (D. Or. 1995), a defective siding class action in which Mr. Ram served as co-lead counsel together with Steve Berman.
- *Cox v. Shell*, Civ. No. 18,844 (Obion County Chancery Court, Tennessee) a nationwide class of approximately 6 million owners of property equipped with defective polybutylene plumbing systems, resulting in a \$950 million settlement.

- *ABS Pipe Litigation*, J.C.C.P. No. 3126 (Contra Costa County Sup. Court), a nationwide class of homeowners with defective ABS pipes.

He served as liaison counsel in *In Re Google Buzz User Privacy Litigation*, N.D. Cal. No. 10-cv-00672 and *Olvera et al v. Driven Sports*, N.D. Cal. No. 13-cv-04830 EMC.

**IV. Willingness and Ability to Commit to a Time-Consuming Process and Access to Resources to Prosecute the Litigation in a Timely Manner**

Ram, Olson, Cereghino & Kopczynski LLP is comprised of dedicated, experienced consumer attorneys who have successfully prosecuted complex consumer class actions with nationwide classes consisting of hundreds of thousands and sometimes millions of vehicle owners. Mr. Ram and Ram, Olson, Cereghino & Kopczynski LLP are fully committed to this litigation and have more than adequate capital and personnel to assist in steering it.

**V. Work Undertaken Thus Far Identifying, Investigating, or Prosecuting Potential Claims in This Action**

Mr. Ram's work to date on this case includes among other things: factual investigation; interviewing the plaintiff in *Stafford v. GM* (N. D. Cal. No. 3:14-cv-01702); communicating with other class members; legal research, including research regarding bankruptcy issues; sharing his expertise in automobile safety litigation with co-counsel to develop the factual allegations and legal theories of the case; reviewing and revising the *Stafford* Complaint; communicating with defense counsel; consulting with co-counsel, including one of the Interim Lead Counsel about strategy, and consulting with several automotive and scientific experts with whom he has worked in the past in several other class actions against GM and other manufacturers.

Respectfully submitted,

Dated: July 28, 2014

By: /s/ Michael F. Ram  
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**CERTIFICATE OF SERVICE**

The undersigned certifies that on July 28, 2014, the foregoing **APPLICATION OF MICHAEL F. RAM AND RAM, OLSON, CEREGHINO & KOPCZYNSKI FOR APPOINTMENT TO EXECUTIVE COMMITTEE** was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon all parties of record.

Dated: July 28, 2014

By: /s/ *Michael F. Ram*  
Michael F. Ram (Cal. SBN 104805)